

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

NORTHWEST LABORERS-  
EMPLOYERS HEALTH & SECURITY  
TRUST, et al.,

Plaintiffs

v.

PENHALL COMPANY,

Defendant

NO. 2:19-cv-01238-RAJ

ORDER DENYING MOTION TO  
COMPEL

This matter is before the Court on Plaintiffs’ motion to compel. Dkt. # 12. The motion is unopposed. The Court has broad discretion to control discovery. *Avila v. Willits Env’tl. Remediation Trust*, 633 F.3d 828, 833 (9th Cir. 2011). Under Fed. R. Civ. P. 37(a), a motion to compel must “include a certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make disclosure

1 or discovery in an effort to obtain it without court action.” This Court’s standing order  
2 similarly requires parties to meet and confer prior to filing any motion. Dkt. # 5 at 4.

3 Here, there is no evidence that Plaintiffs even *attempted* to satisfy the meet and  
4 confer requirement. Indeed, it is difficult to discern from Plaintiffs’ two-page motion  
5 which document requests or interrogatories Defendant is purportedly failing to respond  
6 to. The only evidence supporting Plaintiffs’ motion is an e-mail exchange between  
7 Plaintiffs’ counsel and Plaintiffs’ auditing firm in which the auditors describe their  
8 communications with Defendant. The Court cannot grant the requested relief on this  
9 record. Plaintiffs’ motion is **DENIED** without prejudice. The parties are directed to  
10 confer to work out this discovery dispute. If the parties are unable to resolve the dispute,  
11 or if Plaintiffs are unable to meet and confer with Defendant, the motion to compel may  
12 be refiled.  
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14 DATED this 7th day of April, 2020.

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17 The Honorable Richard A. Jones  
18 United States District Judge  
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